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Preparatory Commission for the International Criminal Court

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Proposed texts of provisions on the conditions of service of judges of the International Criminal Court

Proposal by the Coordinator

Introduction

In addition to the conditions of service of full-time judges of the International Criminal Court agreed upon at the ninth session of the Preparatory Commission (PCNICC/2002/L.1/Rev.1/Add.2), the Working Group on Financial Issues-Remuneration of Judges has agreed on the conditions of service of non-full-time judges (PCNICC/2002/WGFI-RJ/RT.2/Rev.2). Accordingly, the following texts of the proposed provisions would have to be included in Parts One and Two of the draft budget for the first financial period of the Court to reflect the conditions of service of non-full-time judges. It is also proposed that the conditions of service of the judges of the International Criminal Court be reproduced in annex VI to the draft budget for the first financial period of the Court.

- **Amend the text of Part One of the draft budget (PCNICC/2002/L.1/Rev.1/Add.1, sect. A) as follows:**

Paragraph 41

The last sentence *should read*

> The conditions of service and compensation of ICC judges are set out in annex VI.

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- **In the text of Part Two of the draft budget (PCNICC/2002/WGFYB/L.3), after existing paragraph 121, insert a new paragraph 121 bis, reading:**

> **121 bis. As to the nine non-full-time judges, their annual allowance of €165,000 is estimated in accordance with annex VI, "Conditions of service and compensation of ICC judges", paragraph 9. Moreover, it is assumed that up to five non-full-time judges may be eligible for a supplementary annual allowance of €40,000 (per judge per annum), in accordance with annex VI, paragraph 10. Accordingly, a provision of €183,300 has been included to cover 11 months of additional allowance for five such judges.**

- **Also in Part Two, amend table 5 to read:**

A. Presidency, Divisions and Chambers of the Court

Expenditure	*Estimated requirements*
Salaries and allowances of full-time judges	1 510.7
Allowances of non-full-time judges	348.3
Common costs of judges	680.0
Travel of full-time judges	31.0
Total requirements	**2 570.0**

- **Add a new annex VI, reading:**

Annex VI

I. Full-time judges

A. Salaries

1. The annual remuneration of full-time judges will be €180,000 net.

B. Special allowance for the President

2. A special allowance will be paid at the rate of 10 per cent of the President's annual remuneration. Based on the salary above of €180,000, the special allowance will be €18,000.

C. Special allowance for the First or Second Vice-President if acting as President

3. A special allowance of €100 per day will be paid, subject to a cap of €10,000 per year, to the First or Second Vice-President if acting as President.

D. Non-salary benefits/allowances

Educational assistance

4. When the judges take up residence in the host country, they will be entitled to assistance for the education of dependants, in accordance with terms and conditions similar to those applicable to the United Nations (see administrative issuances ST/AI/2002/1; ST/AI/1999/4; ST/IC/2002/5).

Pension

5. The judges are entitled to a pension benefit similar to that applicable to Judges of the International Court of Justice. The following are the principal features:

(a) The pension scheme is non-contributory, i.e., pensions are a direct charge to the budget;

(b) A retirement pension equal to half the annual salary, at the time of retirement, is paid to a judge who has completed a full nine-year term;

(c) A proportional reduction is applied if the judge has not completed a nine-year term, provided the judge has served for at least three years, but no additional pension is paid if the judge has completed more than nine years of service;

(d) A surviving spouse receives 50 per cent of the late judge's pension. If he or she remarries, he or she will receive a final lump-sum benefit equal to twice the amount of the spouse's benefit;

(e) Pensions in payment are revised by the same percentage and at the same date as salary adjustments.

Health insurance

6. Judges will be responsible for their own health insurance.

Travel/relocation costs[a]

7. When judges take up residence in the host country, they are entitled to:

(a) A trip from his or her declared home[b] to the seat of the Court, in connection with the transfer of his or her residence;

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[a] The Rome Statute does not specifically address the issue of the residence of judges. Article 35 of the Rome Statute provides that full-time judges of the Court "shall be available to serve on that basis from the commencement of their terms of office". Moreover, article 40 provides that judges "required to serve on a full-time basis at the seat of the Court shall not engage in any other occupation of a professional nature". The question of the residence of full-time judges and their availability to serve on that basis at the seat of the Court is a matter which the Rome Statute has entrusted to the judges. Article 52 sets out the manner in which the Regulations of the Court are to be elaborated and adopted. In considering the issue of the residence of full-time judges, the judges themselves will take a decision as to whether or not residence at the seat of the Court is required for full-time service, bearing in mind the permanent character of the Court.

[b] "Home" is defined as the residence declared by the judge at the time of appointment or as modified subsequently.

(b) An assignment grant to cover relocation expenses, in accordance with terms and conditions identical to those applicable to the United Nations (see ST/AI/2000/17);

(c) A round trip every second calendar year after the year of appointment from the seat of the Court to his or her declared home;

(d) A trip upon termination of appointment from the seat of the Court to his or her declared home, or to any other place, provided that the cost of the trip is not greater than the cost of the trip to his or her declared home, which was established at the time of appointment;

(e) Reimbursement by the Court for the travel expenses of the spouse and/or dependent children of the judge for trips undertaken in conjunction with the above where the spouse and/or dependent children reside with the judge at the seat of the Court.

8. All travel shall be by business-class travel between the declared home and the seat of the Court by the most direct route.

II. Non-full-time judges

A. Allowances

Annual allowance

9. An annual allowance, payable monthly, of 20,000 euros.

10. In addition to an annual allowance, a judge who declares, on an annual basis to the President of the Court, that his or her net income, including the annual allowance referred to in paragraph 9 above, is less than the equivalent of 60,000 euros per annum will receive an allowance, payable monthly, to supplement his or her declared net income up to 60,000 euros.

Special allowance when engaged on the business of the Court

11. A special allowance of 270 euros for each day that a judge is engaged on the business of the Court, as certified by the Presidency.

Subsistence allowance

12. A subsistence allowance, at the United Nations rate in euros, applicable to judges of the International Court of Justice, for each day that a judge attends meetings of the Court.

B. Benefits

Pension

13. The judges on non-full-time status are not entitled to a pension benefit. Once they are called to serve as a full-time judge, the pension benefit provisions of a full-time judge will be applicable.

Health insurance

14. Judges will be responsible for their own health insurance.

Travel costs

15. Travel to official meetings of the Court. All travel shall be by business-class travel between the declared home and the seat of the Court by the most direct route.